

AMENDED IN ASSEMBLY JUNE 20, 2007

AMENDED IN SENATE MAY 16, 2007

SENATE BILL

No. 880

Introduced by Senator Calderon
(Coauthors: Senators Cedillo, Cogdill, and Hollingsworth)

February 23, 2007

An act to amend, repeal, and add Section 653o of the Penal Code, relating to crime.

LEGISLATIVE COUNSEL'S DIGEST

SB 880, as amended, Calderon. Crime.

Existing law provides that it is a crime to import for commercial purposes, possess with intent to sell, or sell any part or product of the dead body of a kangaroo punishable by a fine between \$1,000 and \$5,000, imprisonment in the county jail not to exceed 6 months, or both fine and imprisonment, for each violation.

This bill would, until January 1, 2011, provide that these provisions shall not apply to kangaroos that may be harvested lawfully under Australian national and state law, the federal Endangered Species Act of 1971, and applicable international conventions, provided that the Department of Fish and Game is annually informed of statistical information regarding the commercial harvest of kangaroos, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 653o of the Penal Code is amended to
2 read:

1 653o. (a) It is unlawful to import into this state for commercial
2 purposes, to possess with intent to sell, or to sell within the state,
3 the dead body, or any part or product thereof, of any polar bear,
4 leopard, ocelot, tiger, cheetah, jaguar, sable antelope, wolf (*Canis*
5 *lupus*), zebra, whale, cobra, python, sea turtle, colobus monkey,
6 kangaroo, vicuna, sea otter, free-roaming feral horse, dolphin or
7 porpoise (*Delphinidae*), Spanish lynx, or elephant.

8 (b) Commencing January 1, 2010, it shall be unlawful to import
9 into this state for commercial purposes, to possess with intent to
10 sell, or to sell within the state, the dead body, or any part or product
11 thereof, of any crocodile or alligator.

12 (c) (1) This section shall not apply to kangaroos that may be
13 harvested lawfully under Australian national and state law, the
14 federal Endangered Species Act of 1971 (16 U.S.C. Sec. 1531 et
15 seq.), and applicable international conventions, provided that the
16 Department of Fish and Game is annually informed by the
17 Australian government that the commercial harvest of kangaroos
18 in any future year will not exceed the official quota established
19 for 2007 and what the lawful take of kangaroos is in each
20 subsequent year.

21 (2) If the department fails to ~~received~~ *receive* the report
22 described in paragraph (1), the department shall inform the
23 Australian national government that future importation of
24 kangaroos that otherwise may be harvested lawfully under
25 Australian national and state law, the federal Endangered Species
26 Act of 1971 (16 U.S.C. Sec. 1531 et seq.), and applicable
27 international conventions shall be halted and their importation into
28 this state for commercial purposes, possession with intent to sell,
29 or sale within the state will be subject to the provisions of this
30 section.

31 (d) Any person who violates any provision of this section is
32 guilty of a misdemeanor and shall be subject to a fine of not less
33 than one thousand dollars (\$1,000) and not to exceed five thousand
34 dollars (\$5,000) or imprisonment in the county jail not to exceed
35 six months, or both fine and imprisonment, for each violation.

36 (e) The prohibitions against importation for commercial
37 purposes, possession with intent to sell, and sale of the species
38 listed in this section are severable. A finding of the invalidity of
39 any one or more prohibitions shall not affect the validity of any
40 remaining prohibitions.

1 (f) This section shall remain in effect only until January 1, 2011,
2 and as of that date is repealed, unless a later enacted statute, that
3 is enacted before January 1, 2011, deletes or extends that date.

4 SEC. 2. Section 653o is added to the Penal Code, to read:

5 653o. (a) It is unlawful to import into this state for commercial
6 purposes, to possess with intent to sell, or to sell within the state,
7 the dead body, or any part or product thereof, of any polar bear,
8 leopard, ocelot, tiger, cheetah, jaguar, sable antelope, wolf (*Canis*
9 *lupus*), zebra, whale, cobra, python, sea turtle, colobus monkey,
10 kangaroo, vicuna, sea otter, free-roaming feral horse, dolphin or
11 porpoise (*Delphinidae*), Spanish lynx, or elephant.

12 (b) Commencing January 1, 2010, it shall be unlawful to import
13 into this state for commercial purposes, to possess with intent to
14 sell, or to sell within the state, the dead body, or any part or product
15 thereof, of any crocodile or alligator.

16 (c) Any person who violates any provision of this section is
17 guilty of a misdemeanor and shall be subject to a fine of not less
18 than one thousand dollars (\$1,000) and not to exceed five thousand
19 dollars (\$5,000) or imprisonment in the county jail not to exceed
20 six months, or both the fine and imprisonment, for each violation.

21 (d) The prohibitions against importation for commercial
22 purposes, possession with intent to sell, and sale of the species
23 listed in this section are severable. A finding of the invalidity of
24 any one or more prohibitions shall not affect the validity of any
25 remaining prohibitions.

26 (e) This section shall become operative on January 1, 2011.